

## **DECLARATION OF DIA B. BOUTWELL, Ph.D.**

I, Dia B. Boutwell, Ph.D., declare the following to be true and correct under penalty of perjury:

1. I am employed by the United States Department of Justice and the Federal Bureau of Prisons (BOP) in the Psychology Services Branch as the Chief of Psychological Evaluations. I am a licensed psychologist and have been a BOP employee since 2007, with oversight of the forensic program since 2018. I received my Ph.D. in clinical psychology from the University of Alabama in 2007, and I am also board-certified by the American Board of Professional Psychology in the area of forensic psychology.

2. In my capacity as Chief of Psychological Evaluations, I oversee and manage the movement of court-ordered or referred defendants for pre-trial mental health study orders and evaluations to and from appropriate BOP institutions. In addition to pre-trial study orders, I also manage and oversee movements for longer term commitments, which require the individual to be committed to the care and custody of the Attorney General, and in a “suitable facility” pursuant to 18 U.S.C. §§ 4241(d)-4248.

3. Court-ordered competency evaluations pursuant to 18 U.S.C. § 4241(b) completed by the BOP are in-custody, 30-day evaluations. Reports to the court are typically drafted within two to four weeks after the conclusion of the evaluation.

4. During the defendant’s custody in the BOP facility, the defendant is observed in a controlled environment by both clinical and correctional staff, and information from those behavioral observations is incorporated with other clinical data in the evaluation. These in-custody evaluations provide a unique opportunity to observe a defendant both formally, during the clinical interviews and psychological testing sessions, and informally, as she interacts with

other individuals. In addition, BOP staff have access to all non-legal telephone calls made and email generated by a defendant while she is in our custody. This kind of comprehensive information, using multiple sources of collateral data, allows for a thorough and helpful evaluation for the court, especially if the issue of malingering is suspected.

5. In cases of suspected malingering, data from the various sources noted above can be compared in order to determine the likelihood of poor effort or feigning of symptoms. These sources provide information from multiple interactions with multiple people over multiple points in time, as contrasted with one or two points in time with one psychologist, allowing for a much more accurate determination of any existing mental health concerns and/or the malingering.

6. BOP psychologists assigned to conduct § 4241(b) evaluations are all doctoral-level, licensed psychologists with a specialization in forensic psychology. They receive both initial and annual training in forensic psychology, typically related to competency to stand trial evaluations. Forensic psychologists in the BOP focus exclusively on providing court-ordered evaluations to the federal courts, giving the BOP evaluator particular expertise in this area of practice. A typical BOP forensic psychologist performing 4241(b) evaluations at a non-medical center completes approximately 40 to 50 evaluations and reports each year.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 2, 2022

/s/ Dia B. Boutwell  
Dia B. Boutwell, Ph.D.  
Forensic Evaluations Coordinator  
Psychology Services Branch